

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARY E. SHEPARD and the ILLINOIS)	
STATE RIFLE ASSOCIATION,)	
)	
Plaintiffs,)	
)	
-vs-)	No. 11-405
)	
LISA M. MADIGAN, solely in her official)	
capacity as ATTORNEY GENERAL OF)	
ILLINOIS, GOVERNOR PATRICK J.)	
QUINN, solely in his official capacity as)	
Governor of the State of Illinois,)	
TYLER R. EDMONDS, solely in his)	
official capacity as the State's Attorney)	
of Union County, Illinois, and SHERIFF)	
DAVID LIVESAY, solely in his official)	
capacity as Sheriff of Union County,)	
)	
Defendants.)	

**OBJECTION TO PLAINTIFFS' REQUEST THAT THE
COURT ENTER A SUMMARY RULING ON THE MERITS**

Now come defendants, Lisa Madigan, Attorney General of the State of Illinois; Patrick J. Quinn, Governor of the State of Illinois; and Tyler R. Edmonds, State's Attorney of Union County, Illinois, by their attorney, Lisa Madigan, Attorney General of the State of Illinois, and hereby object to plaintiffs' request that the Court rule summarily on the merits.

In support thereof, it is stated:

1. In this motion for a preliminary injunction, plaintiffs include a separate request, asking the Court to rule summarily on plaintiffs' request for a permanent injunction without allowing the parties time to conduct discovery or present facts.
2. Plaintiffs are asking the Court to enter a permanent injunction allowing Mary Shepherd to carry weapons, based upon plaintiffs' assertion that she is a law abiding

citizen.

3. Defendants, if they chose to seek it, are entitled to conduct discovery to challenge the statements in her affidavit.

4. While defendants agree that the Court may dismiss this complaint without taking further evidence, the Court may not grant plaintiffs' motion without further evidence.

5. The Seventh Circuit has held that when a regulation impinges on a core Second Amendment interest, the defendant needs to justify the regulation with data and expert opinion. *Ezell v. City of Chicago*, ___ F.3d ___, 2011 WL 2623511 at 17 (7th Cir. 2011).

6. While defendants assert that a core interest is not at stake, intermediate scrutiny is appropriate, and evidence is not needed to justify the statute, in the event the Court disagrees; defendants are entitled to an opportunity to establish an evidentiary record in support of the statute.

WHEREFORE, defendants respectfully request that this honorable Court deny plaintiffs' request for an order entering a summary final ruling on the merits.

Respectfully submitted,

LISA MADIGAN, ATTORNEY GENERAL OF
THE STATE OF ILLINOIS; PATRICK J. QUINN,
GOVERNOR OF THE STATE OF ILLINOIS; and
TYLER R. EDMONDS, STATE'S ATTORNEY
OF UNION COUNTY, ILLINOIS,

Defendants,

Terence J. Corrigan, #6191237
Assistant Attorney General
Attorney for Defendants
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LISA MADIGAN, Attorney General
State of Illinois,

Attorney for Defendants.

By: /s/Terence J. Corrigan

Facsimile: (217) 524-5091
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Terence J. Corrigan
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2011, I electronically filed Objection to Plaintiffs' Request that the Court enter a Summary Ruling on the Merits with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

whoward@freebornpeters.com

jableyer@bleyerlaw.com

and I hereby certify that on July 22, 2011, I mailed by United States Postal Service, the document to the following nonregistered participant:

None

Respectfully submitted,

By: /s/Terence J. Corrigan

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